

DEPARTMENT OF FOOD AND AGRICULTURE
MILK AND DAIRY FOOD SAFETY BRANCH

APPROVED REGULATIONS

[Effective February 22, 2012; OAL File #2011-1208-01S]

The Department of Food and Agriculture, Milk and Dairy Food Safety Branch, hereby adopts section 588 of Article 21, Chapter 1, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Section 588. Milk Inspection Advisory Committee.

The purpose of the Milk Inspection Advisory Committee (committee) shall be to advise the Department on the administration of all provisions in Chapter 4 (Inspection Services) of Division 15 of the California Food and Agricultural Code (FAC).

(a) Committee Members: Pursuant to FAC Section 33086, the committee shall consist of seven members that represent dairy producers, milk products plants, approved milk inspection services and the public generally. The committee shall have three members representing milk products plants, two representing producers, one representing Approved Milk Inspection Services personnel and one public member. Except for those representing Approved Milk Inspection Services and the public, members shall be persons licensed or permitted under the authority of Division 15 of the FAC. The public member shall be a citizen and resident of California who is not subject to the licensing requirements of Division 15 of the FAC, and who has no financial interest in any person so licensed. Each committee member shall have one vote.

(b) Terms of Office: The term of office for committee members shall be three years. Upon initial implementation, the seven member committee shall consist of three members appointed for a term of three years, two members appointed for a term of two years, and two members appointed for a term of one year. Thereafter, the appointments shall be for a term of three years, and no member may be appointed for more than two three-year terms. Vacancies shall be filled to complete the duration of an unexpired term.

(c) Election of Officers: The committee may elect a chairperson and other officers from among the members as it deems advisable.

(d) Filling of Vacancies: Committee vacancies will be announced by public notice soliciting nominations for consideration by the Secretary. Public notice will include mailings and/or electronic messaging to major dairy industry organizations and a posting on the Department's web site. Public notice may also include a formal CDFA press release. A list of nominees will be provided to the Secretary for consideration. Final committee appointees will be required to complete a formal Oath of Office.

(e) Selection of the Public Member: The committee shall submit to the Secretary the names of three or more natural persons as nominees for appointment by the Secretary as a public member of the committee. The Secretary may appoint one of the nominees as the public member. If all nominees are unsatisfactory to the Secretary, the committee shall continue to submit lists of nominees until the Secretary has made a selection. Any vacancy in the office of the public member of the committee shall be filled by appointment by the Secretary from the nominee or nominees similarly qualified submitted by the committee. The public member of the committee shall represent the interests of the general public in all matters coming before the committee and shall have the same voting rights as other members of the committee.

(f) Meetings: The committee shall meet at the call of its chairperson or the Secretary, or at the request of any three members. The committee shall meet at least once per year.

NOTE: Authority cited: Sections 407, 33085, 33086, and 33087, Food and Agricultural Code. Reference: Sections 33085, 33086, and 33087, Food and Agricultural Code.